

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES BURKE; et al.,)
Plaintiffs,) 3:13-cv-0017-LRH-WGC
v.)
USF REDDAWAY, INC.,) ORDER
Defendant.)

Before the court is plaintiff James Burke’s (“Burke”) objection to the magistrate judge’s January 14, 2014 order granting defendant USF Reddaway, Inc.’s (“Reddaway”) motion to quash subpoena served on non-party Dr. Jeffrey Sanders (“Dr. Sanders”) (Doc. #60). Doc. #77. Defendant Reddaway filed a response to the objection. Doc. #80.

I. Facts and Procedural Background

On July 2, 2012, Burke filed a complaint against Reddaway alleging a single cause of action for negligence. Doc. #1, Exhibit A. On December 3, 2013, Burke served a subpoena request on Kytle's personal physician, Dr. Sanders. A copy of the subpoena was also served on Reddaway's counsel.

On January 9, 2014, Reddaway filed a motion to quash the subpoena of Dr. Sanders (Doc. #60) which was granted by the magistrate judge (Doc. #71). Thereafter, Burke filed the present objection to the magistrate judge's order. Doc. #77.

1 **II. Discussion**

2 Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a
3 magistrate judge pursuant to LR IB 1-3 where it has been shown that the magistrate judge's order is
4 clearly erroneous or contrary to law. In his objection, Burke contends that the magistrate judge's
5 order granting Reddaway's motion to quash was clearly erroneous because Reddaway failed to
6 timely move to quash, and therefore waived any and all objections to the subpoena. Burke also
7 contends that the magistrate judge's order was clearly erroneous because the order did not define
8 why the subpoenaed records were irrelevant to the present action.

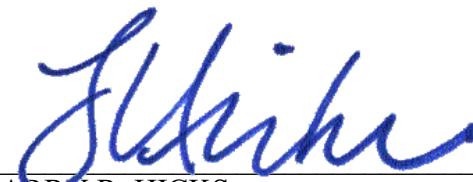
9 The court has reviewed the documents and pleadings on file in this matter and finds that
10 Burke has failed to show that the magistrate judge's order is either contrary to law or clearly
11 erroneous. First, the court notes that Burke simply rehashes the arguments outlined in his opposition
12 to Reddaway's motion to quash. *See* Doc. #57. Second, Burke fails to introduce any new evidence
13 or identify any legal or factual error in the magistrate judge's order. The court notes that the
14 magistrate judge heard argument on the motion to quash and, at the hearing, made several specific
15 rulings that addressed both Burke's timeliness challenge and the relevancy of the discovery request.
16 *See* Doc. #71. Thus, the magistrate judge took Burke's arguments into consideration before deciding
17 the motion. Accordingly, the court shall affirm the magistrate judge's order.

18
19 IT IS THEREFORE ORDERED that plaintiff's objection (Doc. #77) is OVERRULED.

20 IT IS FURTHER ORDERED that the magistrate judge's order granting defendant's motion
21 to quash (Doc. #71) is AFFIRMED.

22 IT IS SO ORDERED.

23 DATED this 10th day of June, 2014.


24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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